

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Rory Smith.
SERIAL NO: : 09/975,841
FILED: : October 12, 2001
FOR: : Bandwidth Allocation in a
Synchronous Transmission Network
For Packet Oriented Signals
EXAMINER: : Ngo, Nguyen Hoang
GROUP ART UNIT: : 2616
CUSTOMER NUMBER: : 23644

REPLY BRIEF

Honorable Director of
Patents and Trademarks
PO Box 1450,
Alexandria VA 22313-1450

Dear Sir:

This paper responds to the Examiner's Answer issued August 18, 2009, in response to the Amended Appeal Brief filed July 2, 2009 appealing from the final Office Action mailed June 27, 2007.

Regarding the rejection of claim 1 and other claims for obviousness over Jordan and Bisson, the Examiner states that Jordan's disclosure of buffer overflow prevention being needed would have motivated a person skilled to apply Bisson's teaching of buffer to buffer flow control into Jordan' system.

At column 7, lines 45-49, of Jordan, a reader is, in fact, taught a method of preventing buffer overflow. With such a method being presented as suitable for Jordan's system, the skilled

reader would have no motivation to consider developing an alternative approach to preventing buffer overflow. Motivation to consider Bisson could only be considered to exist if Jordan was to fail to disclose how to prevent buffer overflow in the system, or if it was suggested that the disclosed method is not optimal and that other methods may be developed. Since this is not the case in Jordan, the Applicant respectfully disagrees with the Examiner that there exists motivation to consider Bisson.

Further, if, purely for the sake of argument, the skilled reader was to consider Bisson, the claimed invention still remains non-obvious for the following reasons.

The Examiner concedes that overflow of a buffer in Jordan can only occur before any mapping to the synchronous network since the buffer of Jordan is for absorbing rate changes at an interface between the packet network and synchronous network. Thus, with Bisson presenting the concept of buffer-to-buffer flow control, application of such flow control would simply prevent buffer overflow before said mapping (as also conceded by the Examiner).

A combination of teachings from separate references can only be considered obvious if such teachings are combined in a straightforward manner with no modifications. As has been explained in the preceding paragraph, and also conceded by the Examiner, a straightforward, unmodified application of flow control into the system of Jordan would prevent buffer overflow before mapping. There would therefore be no need to map to a synchronous network so as to preserve a flow control mechanism, since this would be seen as trying to preserve information which is surplus to requirements (due to having performed its intended function prior to the mapping stage). Application of flow control to Jordan in order to realize the claimed invention would not only require buffer-to-buffer control to be modified outside its conventional use between buffers at either end of a network link, but it would also have to be applied in a totally

new way to address a signal mapping problem rather than the problem of buffer overflow said to be identified by Jordan.

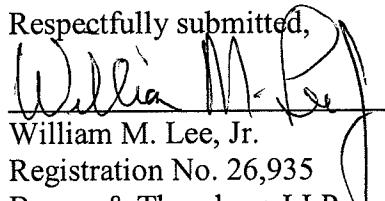
Since there is no need for preserving a flow control mechanism when mapping after the buffer of Jordan, nor any suggestion or incentive to modify the teachings of Bisson outside of their usual application, it cannot be considered that invention of claim 1 would have been obvious. Indeed, the claimed invention cannot be reached through a combination of Jordan and Bisson without a skilled person modifying the teachings so as to provide a result which differs from that which would normally be obtained.

All the other claims are dependent or have corresponding features and so are all submitted to be allowable for the same reasons.

It is submitted that the Examiner's rejection of the application is clearly in error, and should be reversed. Such action is respectfully solicited.

January 7, 2010

Respectfully submitted,



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